

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PHILLIP KING,

Plaintiff,

v.

KENNETH KLUTH, et al.,

Plaintiff.

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Cause No. 4:06CV01514 CDP

PROTECTIVE ORDER

Plaintiff and various third-parties may be producing documents which Plaintiff asserts contain or may contain information which is highly confidential and proprietary in nature. In order to expedite the production of said documents, and providing other testimony concerning same, the parties hereby consent to the entry of this Protective Order pursuant to the Federal Rules of Civil Procedure:

1. Plaintiff is entitled to protection with respect to certain information and documents produced during discovery in this case, through appropriate limitation on the use, distribution and disclosure thereof.

2. The documents which Plaintiff believes contain confidential information include, but are not limited to discovery responses, and any and all other documents that may contain the present personal residence address(es) of, and the current employers of Plaintiff, and are hereby designated as "CONFIDENTIAL."

3. Any deposition testimony concerning such documents and/or information is also hereby designated as "CONFIDENTIAL." The court reporter shall separately transcribe those portions of the testimony so designated and shall mark the face of the transcript

"CONFIDENTIAL PURSUANT TO ORDER OF COURT." If a substantial portion of the transcript contains testimony so designated, the entire transcript may be marked and treated as "CONFIDENTIAL." Any transcript or portion of the transcript so marked shall be kept under seal.

4. Whenever any document designated as "CONFIDENTIAL" is identified as an exhibit in connection with testimony given in these proceedings, it shall be so marked and shall only be filed separately under seal with the Clerk of the Court.

5. Upon being produced by Plaintiff or any third-party, the confidential documents and information shall remain at all times in the possession of Defendants' counsel except as otherwise expressly provided herein.

6. Any documents or testimony designated as "CONFIDENTIAL" shall be subject to this Order, including all confidential matters revealed in memoranda or other documents submitted to this Court. The Clerk of the Court shall maintain under seal such documents, information or testimony designated "CONFIDENTIAL" and submitted to the Court, to be made available only to the Court and those persons identified. *Local Rule 13.05 applies.*

7. Defendants' counsel shall not permit disclosure of protected documents or information to anyone except as herein provided, and only after the conditions stated herein have been previously met.

8. Any personal identifying information of Plaintiff contained within any "CONFIDENTIAL" document may not be disclosed to any person except counsel for Defendants, including their paralegals and clerical staff. **SPECIFICALLY, PLAINTIFF'S CURRENT ADDRESS AND PLACE OF EMPLOYMENT MAY NOT BE DISCLOSED DIRECTLY TO DEFENDANTS. HOWEVER, NOTHING IN THIS PROTECTIVE**

ORDER SHALL PREVENT DEFENDANTS' COUNSEL FROM REDACTING ANY SUCH INFORMATION FROM A DOCUMENT IN ORDER TO REMOVE THE "CONFIDENTIAL" STATUS OF SUCH A DOCUMENT OR TRANSCRIPT.

9. The "CONFIDENTIAL" documents or transcripts and any information contained therein shall be used solely for purposes of this civil action only, and shall not be used or offered for use in connection with any other litigation or proceeding of any kind, or for any business, commercial or other purpose.

10. Within thirty (30) days after termination of this lawsuit by dismissal, judgment or otherwise, Defendants' counsel shall return to counsel for Plaintiff all documents and information designated "CONFIDENTIAL" under this Order, including all copies, prints, excerpts, and other reproductions of said documents or information. In the alternative, such counsel may supervise the destruction of all "CONFIDENTIAL" documents or information and advise Plaintiff counsel in writing that all "CONFIDENTIAL" documents and information have been destroyed.

11. No person receiving any "CONFIDENTIAL" document or transcript shall disclose it or its contents to any person other than those specifically set forth herein, and only for the purposes specified herein, and in no event shall such person make any other use of such document, transcript or contents. **Any person to whom "CONFIDENTIAL" documents or transcripts are made available (i.e., those persons identified in Paragraph 8), shall be advised by counsel of the terms of this Order and shall be instructed that they may only use the documents pursuant to the terms of this Order and after the trial is over, all copies of documents in their possession must be returned to Plaintiff counsel or destroyed.**

12. The persons to whom "CONFIDENTIAL" documents, transcripts and/or

information are disclosed shall at all times conduct themselves in a manner calculated to preserve the confidentiality of the documents, information and transcripts to which this Order applies.

13. By entering into this Order, the parties are not waiving their rights to assert that any document or information is not confidential. In the event there is any dispute whether the document or information is confidential, which the parties are unable to resolve, the Court shall determine the nature and extent to which the document or information may be used.

14. Nothing in this Order shall be deemed to preclude any party, for good cause shown, from obtaining an order modifying the terms of this Order.

15. In the event of a breach of this Order, the non-breaching party shall be entitled to recover from the breaching party all attorney's fees, costs and expenses incurred in obtaining the breaching party's compliance with this Order and all damages arising from the breach.

**KING, KREHBIEL, HELLMICH
& BORBONUS, LLC**

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Attorneys for Plaintiff

SO ORDERED:

A handwritten signature in black ink, appearing to read "Catherine D. Perry". The signature is fluid and cursive, with the first name "Catherine" written in a larger, more prominent script than the last name "D. Perry".

THE HONORABLE CATHERINE D. PERRY
Federal District Judge

Date: 3/15/07